

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

Mat.Appeal.No. 127 of 2003

OS.43/1993 of FAMILY COURT,TRIVANDRUM

PETITIONER: APPELLANT/DEFENDANT IN O.S.

VISWANATHAN ASARI, S/O. GOVINDAN ASARI,
SCIENTIST ENGINEER - S.D., ALALYTICAL
SPECTROSCOPY DIVISION, V.S.S.C.,
THIRUVANANTHAPURAM.

BY ADV. SRI.S.JAMES VINCENT
SRI.R.GOPAN
SRI.TERRY V.JAMES

RESPONDENTS: PLAINTIFF IN O.S.

J. GEETHA KUMARI, D/O. JAGADAMMA,
LAKSHMI NIVAS, THITTAMANGALAM,
KODUNGANOOR P.O., VATTIYOORKAVU,
THIRUVANANTHAPURAM.

BY ADV. SRI.N.NANDAKUMARA MENON
SRI.K.VINODKUMAR

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD
ON 14/08/2007 ALONG WITH MA NO. 37 OF 2006, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:

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J.B.KOSHY & V.GIRI, JJ.

Mat.Appeal.Nos.127 of 2003 and
37 of 2006

Dated 14th August, 2007

JUDGMENT

Koshy, J.

These appeals are filed against the order granting maintenance. Maintenance was ordered to be paid to the wife at the rate of Rs.1,600/= per month from the date of suit. It is submitted that at present the defendant's salary is more than Rs.20,000/= and as per the salary certificate produced, the gross salary was Rs.24,491/- and Provident Fund contribution itself is more than Rs.8,000/=. It is true that because of various advances taken, net salary is reduced. The pay slips produced is for the years up to October, 2000. Now we are in 2007. There is further increase in the salary. It is submitted by the respondent wife that she is not employed at all. According to the appellant, she is employed in a Society. But, no evidence is produced. She is not employed in any Government or Semi Government institution. Even though she may be earning for livelihood by working in some society etc., she may not be able to live in the state of affairs. She submitted that she is prepared to live with her husband, but, husband is not prepared for a compromise. The amount of Rs.1,600/= per month awarded cannot be stated to be

a high amount. We see no ground to interfere in the amount of maintenance awarded. Therefore, Mat.Appeal.No.127 of 2003 is dismissed.

Mat.Appeal.No.37 of 2006 was filed when arrest was ordered in execution of the decree for maintenance. It is submitted that the husband is paying the maintenance at present and the only balance is the arrears. It is also submitted that the dispute is regarding the arrears. Since we have dismissed Mat.Appeal.No.127 of 2003, we see no ground to interfere in this appeal. But, considering the facts and circumstances of the case, the impugned order will be implemented only if the amount of arrears due as per the order of maintenance is not paid within two months from today. With that rider, Mat.Appeal.No.37 of 2006 is also dismissed.

J.B.KOSHY
JUDGE

V.GIRI
JUDGE

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